IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 33061 of 2005(J)

PETITIONER:

NEGILATH K.E., D/O. K.M.EBRAHIM,
KANICHATTU HOUSE, SELLIAMPARA P.O.,
VELLATHOOVAL, IDUKKI DIST.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION, PATTOM,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
IDUKKI AT THODUPUZHA, IDUKKI DIST.

4. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
KATTAPPANA, IDUKKI DIST.

5. A.M. SUBAIDA,
JUNIOR LANGUAGE TEACHER (ARABIC)(ON DEPLOYMENT),
GOVERNMENT U.P. SCHOOL, VANDIPERIYAR,
P.O. VANDIPERIYAR, IDUKKI.

BY ADV. SRI.JOICE GEORGE --R5
GOVERNMENT PLEADER SRI. BASANT BALAJI
ADV SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 33061/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 27/7/93 IN CMP NO. 13557/93 IN OP NO. 1225/93.

True copy

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KURIAN JOSEPH, J.

W.P.(C) No. 33061 of 2005

Dated 26th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers.

> "Issue a writ of mandamus directing the 3rd respondent to report all substantive vacancies in the post of Junior Language Teacher (Arabic) to the the 4th respondent;
>
> Issu a writ of mandamus directing the 4th respondent to advice the petitioner from the PSC ranked list against the vacancies so reported;
>
> Issue a writ of mandamus directing the respondent No.3 to appoint the petitioner from the advice so made."

Petitioner is included in the ranked list published by the Public Service Commission for direct recruitment. The list is to expire only on 24.1.2008. The stand taken by the department in the counter affidavit is that post is to be filled up by promotion from among the qualified part-time language Arabic Teachers of U.P. and L.P. Sections and direct recruitment can be made only in the absence of qualified part-time Junior Language Arabic Teachers. It is also stated in the counter affidavit that qualified part-time teachers are available in the district and they are awaiting promotion. In that view of the matter, it is not necessary

to consider the vehement contention put forward by the petitioner that vacancies of protected teachers deployed from another district is also to be counted for the purpose of assessment of vacancies.

2. In the above circumstances, writ petition is disposed of making it clear that it will open to the petitioner to approach the Deputy Director in case there are vacancies available after effecting the promotion.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 21st February, 2007.